

**STATE OF MICHIGAN
IN THE 74TH DISTRICT COURT FOR THE COUNTY OF BAY**

THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

**Case No. 14-10011-FY-1
Hon. Dawn A. Klida**

JOEL IRWING WILSON,

Defendant.

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OPINION AND ORDER REGARDING BIND OVER

This matter is before the Court following a Preliminary Examination on September 11, 2014, concluding on September 23, 2014. The parties were afforded additional time to submit legal arguments as to bind over to Circuit Court.

Defendant specifically argued that there was no evidence to support the criminal enterprise charge. Additionally, Defendant argued that once the investors turned over their funds to Diversified, those funds became an asset of the corporation. Further, that there was no testimony prohibiting Defendant from using the funds as he did.

The preliminary examination determines if there is sufficient probable cause to support the charges and probable cause to believe the Defendant committed those charges. That is, that there is evidence sufficient to cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief of guilt.¹

After review of the legal arguments raised by both parties, and based upon the testimony heard during the Preliminary Examination, the Court finds probable cause to support, that by

¹ *People v Justice (After Remand)*, 454 Mich 334, 344 (1997).


electing to form a corporation, and therefore gain all the benefits of corporate status, Defendant created an entity that is recognized as separate of the individual, regardless of who the shareholders are and their respective interests. Therefore, as to Count 1, the Court finds probable cause to believe the charge as stated in the Amended Complaint was committed, and probable cause to believe Defendant committed the offense.

Additionally, as to the remaining Counts 2 through 9, the Court finds that the People have met their burden of probable cause to support these charges as set forth in the Amended Complaint, and probable cause to establish that the Defendant committed the charges as set forth in Counts 2 through 9.

ORDER

IT IS THEREFORE ORDERED that, for the reasons stated in this Opinion, Defendant is bound over for further proceedings to the 18th Circuit Court, on all counts set forth in the Amended Complaint.

Date: October 3, 2014


HON. DAWN A. KLIDA (P49753)
District Court Judge

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